

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JIMMY W. EATON; and ROBIN D. EATON	)	
	)	
	)	No. 3-11-0783
v.	)	
	)	
SOUTHERN SPORTS MEDICINE INSTITUTE, PLLC; THOMAS L. GAUTSCH, M.D.; SUMNER MEDICAL CENTER, PLLC; WILLIAM T. FAITH, M.D.; SUMNER REGIONAL MEDICAL CENTER, LLC d/b/a Sumner Regional Medical Center; SRHS BANKRUPTCY, INC. d/b/a Sumner Regional Medical Center; WALGREENS-OPTION CARE, INC. d/b/a Walgreen Infusion Pharmacy; and WALGREEN CO. <sup>1</sup>	)	

ORDER

In accord with the order entered June 9, 2014 (Docket Entry No. 272), a case management conference was held on June 20, 2014, at which time the following matters were addressed:

1. It is expected that the plaintiff will complete treatment in July. Plaintiffs' counsel shall advise defendants' counsel when the plaintiff's treatment is completed, and disclose the identity of the providers; whereupon defendants shall obtain the relevant medical records from the providers pursuant to medical release authorization or subpoena.

2. All additional discovery, including the re-deposition of the plaintiff on his most recent medical treatment, the deposition of the treating physician at St. Thomas who took his recent history, and perhaps the deposition of the surgeon who performed the recent surgery, shall be completed by September 30, 2014.

3. The defendants shall have until October 31, 2014, to serve supplemental expert

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<sup>1</sup> By stipulation filed August 6, 2012 (Docket Entry No. 51), and order entered August 9, 2012 (Docket Entry No. 52), the plaintiffs' claims against defendant Sumner Regional Medical Center, LLC d/b/a Sumner Regional Medical Center were dismissed. By order entered March 12, 2014 (Docket Entry No. 205), the plaintiffs' claims against defendants Walgreen Co. and Walgreens-Option Care, Inc. d/b/a Walgreen Infusion Pharmacy were dismissed. By order entered March 18, 2014 (Docket Entry No. 208), the plaintiffs' claims against SRHS Bankruptcy, Inc. d/b/a Sumner Regional Medical Center were dismissed.

disclosures as a result of the plaintiff's recent treatment.

4. The plaintiff shall have until December 1, 2014, to serve supplemental rebuttal expert disclosures.

5. Any responses to all outstanding motions in limine (Docket Entry Nos. 229-242, 244-250, 253-268, and 270) shall be filed by January 27, 2015.

6. By February 20, 2015, the parties shall also:

a. File a proposed joint pretrial order, which shall include:

- (1) a recitation that the pleadings are amended to conform to the pretrial order and that the pretrial order supplants the pleadings;
- (2) a short summary of the plaintiffs' theory (no more than one page);
- (3) a short summary of the defendants' theories (no more than one page each);
- (4) a succinct statement of the relief sought;
- (5) a statement of the issues, including a designation of which issues are for the jury and which issues are for the Court;
- (6) Any special trial procedural issues;
- (7) A summary of any anticipated evidentiary issues;
- (8) A statement that counsel have complied with Rule 26(e) of the Federal Rules of Civil Procedure; and
- (9) The estimated length of the trial.

b. File pretrial briefs, including:

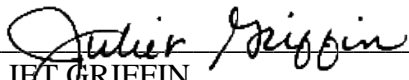
- (1) a concise statement of the facts;
- (2) a concise statement of the issues;
- (3) a statement of the propositions of law upon which counsel relies, together with citations of authorities in support thereof;

- (4) those evidentiary rulings counsel anticipates may arise and the legal authorities upon which counsel relies in support of his or her contentions; and
  - (5) what damages are recoverable and, where applicable, a proposed method of reducing future damages to present value.
- c. File any deposition transcripts that the parties expect to use at trial;
  - d. Serve and file their respective final lists of witnesses and exhibits;
  - e. File a listing of all agreed stipulations;<sup>2</sup> and
  - f. File proposed jury instructions, any special interrogatories, and any special verdict forms.<sup>3</sup>

The parties shall pre-mark all exhibits and comply with Local Rule 39.01(c)(4).

Multiple motions previously submitted on behalf of the plaintiffs and the defendants are currently pending before the Court. Plaintiffs' counsel anticipates filing a motion for hearing upon (1) plaintiffs' motion to appoint expert (Docket Entry No. 130) and (2) plaintiffs' motion to exclude junk science opinions of the defendants' experts (Docket Entry No. 149). Prior to the filing of such motion for hearing, plaintiffs' counsel shall inform defendants' counsel of the motions upon which it will seek hearing, thereby allowing defendants' counsel the opportunity to designate any additional pending motions upon which defendants may request hearing.

It is so ORDERED.

  
JULIET GRIFFIN  
United States Magistrate Judge

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<sup>2</sup> Counsel shall attempt in good faith to stipulate to the authenticity of exhibits, and shall stipulate to any matters as to which there is no genuine issue or to which counsel does not intend to object. Objections to authenticity of exhibits and any proposed stipulation to which another party objects will be addressed at the pretrial conference. Objections as to admissibility and relevancy may be reserved until the time of trial or addressed in the context of motions in limine.

<sup>3</sup> Counsel shall confer and jointly prepare and file a set of agreed, proposed instructions and verdict forms. Each proposed jury instruction shall begin on a new page and shall include citations to supporting authorities. The parties may separately file any disputed jury instructions or verdict forms.

**APPROVED FOR ENTRY:**

/s/ David Randolph Smith

David Randolph Smith

Dominick R. Smith

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**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing document was electronically filed on the 27<sup>th</sup> day of June, 2014 with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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